IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10595 of 1994

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ADAM U MOHAMMAD - Petitioner(s)
Versus
G.S.R.T.C. & 1 - Respondent(s)

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Appearance :

MR MUKESH H RATHOD for Petitioner No(s).: 1.

MR YOGESH S LAKHANI for Respondent No(s).: 1.
RULE SERVED for Respondent No(s).: 2.

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CORAM :HON'BLE MR JUSTICE KS JHAVERI

Date : 01/07/2005

ORAL JUDGMENT

1.0 The petitioner has challenged the order dated 30.11.1993 passed by the Labour Court, Bharuch in Reference

No.892 of 1990, whereby full back wages was not granted for the interim period.

2.0 The petitioner was working as a Conductor with the respondent Corporation. On 03.01.1990, while the petitioner was on duty, the bus was checked by the checking squad of the respondent Corporation and certain irregularities were found in the collection of fares from the passengers. Therefore, departmental inquiry was held against the petitioner.

2.1 Since the charges against the petitioner were proved, he was dismissed from service on 31.08.1990. Feeling aggrieved by the said order, the petitioner raised a dispute by way of a reference before the Labour Court, Bharuch which was numbered as Reference No.892 of 1990. The Labour Court by impugned order granted reinstatement with continuity of service but without any back wages. Hence, this petition.

3.0 I have heard learned counsel for the parties and perused the documents placed on record. The respondent had committed misappropriation in the fares collected from the passengers on earlier occasions also. Moreover, he had also committed certain irregularities in the issuance of tickets. Keeping in mind the past conduct of the respondent, the Labour Court has denied him back wages. I am in complete agreement with the reasonings given by the Labour Court in its impugned order and find no reason to interfere in this petition.

4.0 In above view of the matter, this petition is dismissed. Rule is discharged with no order as to costs.

(K. S. JHAVERI, J.)

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